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UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN JOSE DIVISION

RICHARD NOLL, individually and on behalf  
 of all others similarly situated,

Plaintiffs,

v.

EBAY INC., EBAY EUROPE S.A.R.L., and  
 EBAY INTERNATIONAL AG,

Defendants.

Case No. CV 11-04585 EJD

**STIPULATION AND [PROPOSED] ORDER  
 EXTENDING TIME FOR EBAY EUROPE  
 S.A.R.L. AND EBAY INTERNATIONAL AG  
 TO RESPOND TO COMPLAINT AND  
 SCHEDULING MOTION TO DISMISS  
 HEARING FOR MARCH 2, 2012**

Courtroom: 1, 5<sup>th</sup> Floor  
 Judge: Hon. Edward J. Davila  
 Trial Date: None Set

1 This Stipulation is entered into pursuant to Local Rule 6-1, by and between plaintiff  
 2 Richard Noll ("Plaintiff") and defendants eBay Europe S.A.R.L. ("eBay Europe") and eBay  
 3 International AG ("eBay International"), by and through their respective counsel.

4 WHEREAS, Plaintiff filed his Complaint in the above-entitled action in United States  
 5 District Court for the Northern District of California on September 15, 2011;

6 WHEREAS, on October 31, 2011, eBay Inc. filed its motion to dismiss the Complaint  
 7 which is set for hearing on March 2, 2012;

8 WHEREAS, eBay Europe and eBay International are both international entities that must  
 9 be served using the applicable service procedures set forth in the Hague Convention on the  
 10 Service Abroad of Judicial and Extra-Judicial documents in Civil and Commercial Matters;

11 WHEREAS, Noll has undertaken efforts to serve both entities and believes eBay Europe  
 12 was served on November 4, 2011, and eBay International on November 9, 2011;

13 WHEREAS, under Civil Local Rule 6-1(a), parties may stipulate in writing, without a  
 14 court order, to extend the time within which to answer or otherwise respond to a complaint;

15 WHEREAS, extending the date for eBay Europe and eBay International to respond to the  
 16 Complaint as set forth below will not alter the date of any event or deadline already fixed by  
 17 Court order;

18 WHEREAS, the Parties agree that the hearing on eBay Europe's and eBay International's  
 19 anticipated motion to dismiss should be scheduled for the same date and time – March 2, 2012 at  
 20 9:00 a.m. – as the hearing on eBay Inc's pending motion;

21 WHEREAS, under Local Rule 7-2, motions may be filed thirty-five (35) days in advance  
 22 of a hearing, which in this case would be on or before January 27, 2012;

23 NOW, THEREFORE, the Parties hereby stipulate and agree that:

24 1. The deadline for eBay Europe and eBay International to respond to the Complaint  
 25 (answer, move, or otherwise respond) is extended to and including December 16, 2011; and

26 2. The hearing on eBay Europe's and eBay International's anticipated motion to dismiss the  
 27 Complaint be scheduled for March 2, 2012, the same date as the hearing on eBay Inc's pending  
 28 motion to dismiss.

1 **IT IS SO STIPULATED.**

2 Dated: November 30, 2011

COOLEY LLP

3  
4  
5 /s/  
JAMES M. PENNING (229727)

6 *Attorneys For Defendants EBAY INC.,*  
7 *EBAY EUROPE S.A.R.L AND EBAY INTERNATIONAL AG*

8 Dated: November 30, 2011

FIGARI & DAVENPORT, LLP

9  
10 /s/  
KEITH R. VERGES

11 *Attorneys for Plaintiff RICHARD NOLL*

12  
13 **ORDER**

14 **IT IS SO ORDERED.**

15 Date: December 2, 2011

16   
17 Honorable Edward J. Davila  
United States District Judge

18 Additional attorneys:

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27 Attorneys for Plaintiff RICHARD NOLL

**ATTESTATION PURSUANT TO GENERAL ORDER 45**

I, James M. Penning, attest that concurrence in the filing of this Stipulation and [Proposed] Order Extending Time For eBay Europe S.A.R.L. and eBay International AG to Respond to Complaint and Scheduling Motion to Dismiss Hearing for March 2, 2012 has been obtained from each of the other signatories.

/s/

James M. Penning

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